

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SOVERAIN SOFTWARE LLC,

Plaintiff,

v.

Case No. 6:07-CV-00511-LED

CDW CORPORATION,

NEWEGG INC.,

REDCATS USA, INC.

SYSTEMAX INC.,

ZAPPOS.COM, INC.,

REDCATS USA, L.P.,

THE SPORTSMAN'S GUIDE, INC.,

AND

TIGERDIRECT, INC.,

Defendants.

JOINT SUBMISSION OF CHARGE OF COURT

Pursuant to the Court's Order of April 14, 2010, (Dkt. No. 352), Plaintiff Soverain Software LLC ("Soverain") and Defendant Newegg Inc. ("Newegg") hereby submit the following proposed Charge of the Court in the above-captioned matter.¹ The joint proposed Charge of the Court is attached as Exhibit A.

¹ Newegg joins this filing on the understanding that (1) the parties' "agreed" submission of any jury charge item (definition, instruction, question, or issue) is an agreement as to form only and thus is without prejudice to either party's right to object to the submission of the item to the jury on the ground that it is not sufficiently supported by the evidence or is otherwise not an appropriate submission to the jury and (2) either party's submission of any item is without prejudice to its right to request the submission of additional or modified item(s) based on intervening changes in the law, rulings by the Court, or evidence admitted at trial.

Dated: April 16, 2010

Respectfully submitted,

/s/ Kenneth R. Adamo (by Thomas L. Giannetti with permission)

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CERTIFICATE OF SERVICE

This is to certify that on April 16, 2010, a true and correct copy of the foregoing document has been served on all counsel of record via the Court's ECF system.

/s/ Thomas L. Giannetti
Attorney for Plaintiff